

3732

IN THE US PATENT AND TM OFFICE

Appn. No.: 09/942,439  
Filing Date: 08/30/01  
Applicant: Sekendur, Oral F.  
Appn. Title: **One Visit Dental Prosthesis**  
Examiner: Ralph A. Lewis  
Group: 3300  
Art Unit: 3732



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Date: 8/29/03

Applicant

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Oral Sekendur



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**RESPONSE TO OFFICE ACTION MAILED 10-22-02**

**Response to Objections to Duplicate Claims**

1. Upon approval of Application or conference with Examiner, Applicant will amend claims to overcome Examiner's objection to Claims 8 and 12 as being identical to Claims 2 and 6.

**Response to Rejection based on Prior Art**

2. **Alexander** (US 1.040,972) teaches "a plastic metal" of "finely divided or powdered metal, as gold which is bound together by a binder" (page 1, lines 19-21), or a "sponge gold" or "moss gold" (page 1, line 28) coated by a wax-like substance described as a lubricant. The present invention does not comprise a "binder" or "lubricant" as taught in Alexander.

3. **Alexander** teaches forming its "plastic metal" intra-orally (page 1, lines 86-91), removing the "plastic metal" and then employing the "plastic metal" "in exactly the same manner that the wax is employed in the ordinary casting of a dental inlay." This includes investing, dissipating the wax and casting molten metal (page 1 lines 95-106). The present invention does not comprise investing, dissipating or casting. This is precisely the point. The present invention is an improvement because, in part, it eliminates the steps of investing, dissipating or casting.

4. It is the Applicant's opinion that **Shoher et al** (US 5,234,343) is invalid in light of **Alexander**. Both patents teach metal particles in a wax binder. The insignificant difference between the two is that **Alexander** (page 1, line 87 in Alexander) forms an inlay whereas **Shoher** forms a coping (column 5, line 32 in Shoher).

5. Examiner argues **Shoher** discloses Applicant's "formable metal" described as a "paste of flux and metal powder". **Shoher et al** does not provide a formable metal as alleged by the Examiner. Instead, Shoher provides a moldable **wax** composition comprising metal particles. (column 2, lines 48-51). On the other hand, the Applicant provides a metal screen, metal mesh, metal felt, sintered metal fibers or the like (Claims 5 and 11). The Applicant does not provide for metal particles in a moldable **wax**. The metal particles in Shoher, in themselves, are not formable. Only Shoher's **wax** is formable. The important distinction is that **Shoher** comprises a "wax binder" (Claim 1) that has to be burned away. "Filler material is then added to the porous structure and heat treated to form a dense solid coping, as shown in FIG. 4. (column 5, line 31-33)."

6. The Examiner argues that **Shoher's** "metal particles" comprise features of the "formable metal" in the present invention. In fact, the metal particles in Shoher are not formable. Only, the wax is formable.
7. The Examiner argues that **Shoher's** "wax binder" (Claim 1) comprises features of the "joining means" in the present Application. **Shoher's** "wax binder" has to be burned away, whereas in the Applicant's "joining means" comprising a "paste of flux and metal powder", the flux is not burned away but acts to clean and free the "formable metal" from oxide and promote the union of metal and solder. In the present invention, there is no wax to be burned away.
8. Shoher does not provide for the shaping of the formable metal on the working platform as in the present Application. Instead, Shoher provides for the moldable wax composition to be shaped on a die, whereby the wax has to be burned away.
9. Heat treating Shoher's wax "mixture comprising particles (column 8, line 24) allegedly forms a porous structure (column 8, line 34) which must be filled with a filler material (column 8, line 37). In the present application, heat-treating does not form a porous structure that has to be filled. This is an extra step in Shoher. Heat-treating the present invention actually forms the Dental Prosthesis.
10. Shoher does not work. Heat-treating the wax composition causes the wax to melt and flow off the die. The metal particles in the wax flow off the die along with the wax. There is no means in Shoher to hold the metal particles on the die when wax is melted. The presently commercially available version of Shoher solves this problem by placing a mold around the formed wax. A mold provides a reservoir for the molten metal to flow

into the mold to form to the desired shape. Without a mold, the melting wax pulls the metal particles off the die.

11. Examiner rejects Claims 2, 6 and 8-20 based on 35 U.S.C. 103(a) over **Alexander** and states that polishing and cleaning, and further adding an outer porcelain or acrylic layer to the prosthesis is obvious. It is the Applicant's position that, in combination with Applicant's other unique features, these features, including polishing and cleaning, and further adding an outer porcelain or acrylic layer to the prosthesis, are patentable.

12. Examiner rejects Claims 14-20 based on 35 U.S.C. 103(a) over **Alexander** and states that cementing a patient's tooth is obvious. Applicant is combining this feature with other features, including "a formable metal" and "shaping said formable metal on said working platform to form a metal structure". It is the Applicant's position that, in combination with Applicant's other unique features, these features, including cementing a patient's tooth, are patentable.

**The Applicant requests a telephone interview with the Examiner to discuss acceptable claims in the Application (tel. 312-804-8474).**

**It is submitted that patentable subject matter is clearly present. If the Examiner agrees, but does not feel that the present claims are technically adequate, the Applicant respectfully requests that the Examiner write acceptable claims pursuant to MPEP 707.07(j).**

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**Applicant Oral Sekendur (tel. 312-804-8474)**